

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 25 SEP 2006

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Applicant's or agent's file reference KAPRO PCT-09	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IL2005/000236	International filing date (day/month/year) 28.02.2005	Priority date (day/month/year) 11.03.2004
International Patent Classification (IPC) or both national classification and IPC INV. B43L7/14		
Applicant KAPRO INDUSTRIES LTD, et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21.09.2005	Date of completion of this report 22.09.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Daintith, Nichola Telephone No. +49 89 2399-8894 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IL2005/000236

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-4 as originally filed

Claims, Numbers

1-7 received on 10.11.2005 with letter of 28.10.2005

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	1-7
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

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EXAMINATION REPORT - SEPARATE SHEET**

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. The subject-matter of claim 1 is not known in its entirety from any of the cited prior art documents and hence appears to fulfil the requirements of novelty of Article 33 (2) PCT.
2. The documents US-A-5 339 530 (D1) (see figure 3) and US-A-5 377 418 (D2) both show the following technical features of claim 1: a combination square comprising a housing and a blade retaining slot.
 - 2.1 The technical feature of claim 1 not known from D1 or D2 is that the housing is magnetic. This is further characterised by the facultative feature that the blade retaining slot is suitable for magnetically retaining the blade. Magnetism as a fixing means is a well-known concept which has been known for a long time and which has not to date been used as claimed in the application to fix a blade or rule to a combination square. For example, the document DE-A-33 14 344 shows using magnetism with rules in that it discloses a magnetic rule to hold the rule in a track on the drawing board. However, this document dates from 1983 and has not suggested to anyone in the 22 years since then to fix a rule magnetically to a combination square.

The document US-A-5 778 547 shows a combination square having a blade and a magnetic strip. Although this document comprises a magnetic strip, this strip is used for electronic measuring and the combination square is fixed to the rule using the traditional screw means. This teaches away from the invention. It is generally not desirable for the skilled man (in this case a craftsman or technician) to have magnetic tools, as tools are generally kept together in one box and it is not desirable that they should all be attracted to one another. The skilled man would not, for this reason, normally consider magnetism.

Therefore, using magnetism to retain a blade in a combination square would appear to be inventive within the meaning of Article 33 (3) PCT.

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- 2.2 The features of dependent claims 2 to 8 comprise further features of the combination square of claim 1 and would therefore likewise appear to be novel and inventive within the meaning of Article 33 (2) and (3) PCT.
3. For information, the features of the magnetic housing "having a leading portion with a front surface and opposite side surfaces subtending internal 90° and 135° angles with said front surface in a top view of the combination square laid flat on a planar support surface" appears to be linguistically unclear as the terms "front" and "side" are not defined. Furthermore, the term "opposite" would not appear to be appropriate for sides which are so angled relative to each other. The requirement of clarity of Article 6 PCT does not appear to be met.

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Claims:

1. A combination square for use with a magnetic rule-type blade having top and bottom surfaces and at least one pair of opposite long edges, the combination
5 square comprising a magnetic housing having a leading portion with a front surface and opposite side surfaces subtending internal 90° and 135° angles with said front surface in a top view of the combination square laid flat on a planar support surface, and a blade retaining slot for releasably magnetically retaining the blade for correspondingly subtending a 90° shoulder and a 45° shoulder with
10 said opposite side surfaces of said magnetic housing in said top view of the combination square laid flat on a planar support surface.
2. The square according to claim 1 for use with a grooved magnetic rule-type blade wherein said magnetic housing includes a runner for constraining the blade
15 to sliding lengthwise movement within said blade retaining slot.
3. The square according to either one of claims 1 and 2 wherein said magnetic housing includes a manually operated securing member for selectively bearing against the blade for frictionally securing the blade therein.
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4. The square according to any one of claims 1 to 3 wherein said magnetic housing includes at least one magnet with a major surface parallel to the blade's top and bottom surfaces in a cross section of the combination square passing
25 through a pair of the blade's at least one pair of opposite long edges.
5. The square according to claim 4 wherein said magnetic housing includes at least one L-shaped cross section magnet with a major surface parallel to the blade's top and bottom surfaces in a cross section of the combination square passing through a pair of the blade's at least one pair of opposite long edges.
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6. The square according to any one of claims 1 to 3 wherein said magnetic housing includes at least one magnet with a major surface perpendicular to the blade's top and bottom surfaces in a cross section of the combination square passing through a pair of the blade's at least one pair of opposite long edges.

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7. The square according any one of claims 1 to 6 wherein the blade has an L-shape with two pairs of opposite long edges in a top view of the combination square.